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FM AMEMBASSY PORT AU PRINCE
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2546
INFO RUEHZH/HAITI COLLECTIVE
RUEHBR/AMEMBASSY BRASILIA 0984
RUEHSA/AMEMBASSY PRETORIA 0834
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C O N F I D E N T I A L SECTION 01 OF 03 PORT AU PRINCE 000459

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E.O. 12958: DECL: 03/06/2016
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [ASEC](#) [HA](#)
SUBJECT: UN'S POLICE AGREEMENT CAUSES FUROR

Classified By: CDA DOUGLAS GRIFFITHS, REASONS 1.4(B) AND (D).

1. (C) Summary. The Supplemental Agreement on Haitian National Police (HNP) reform (SA), signed by Prime Minister Latortue and the SRSG Valdes in New York on February 22 and has caused a political firestorm in recent days. Haitian objections center on clauses of the accord that could subordinate the command and control functions of the HNP to MINUSTAH. Neither IGOH nor HNP officials have expressed any reservations about continued commitment to critical aspects of international cooperation and oversight, including vetting and training of incoming and active officers. Indeed, just today, Justice Minister Dorleans approved the transfer of a Haitian drug suspect to the U.S. and agreed to sign an agreement on a Special Investigation Unit. Earlier in the week, Dorleans strongly criticized Prime Minister Latortue for failing to consult other IGOH officials on an agreement that he claimed violated Haiti's sovereign rights. The Charge and other international officials have intervened with the President, several ministers, and the President-elect to ensure that this controversy does not endanger the functioning of the IGOH in its final weeks. Visiting officials from UN Department of Peace Keeping Operations (UNDPKO) headquarters, who had initially expected to spend the week beginning March 3 formulating an HNP reform plan and improving UNPOL performance, found themselves focused on damage control related to the SA. The UN officials assured embassies that aspects of the agreement requiring UN involvement in all international police cooperation would not impact our programs. End Summary.

Controversy Erupts

2. (C) Though the UN and the IGOH concluded the agreement in late February, because of the intervening Carnival holidays the agreement did not attract local notice in the press until March 3. Once aware of the document, print and radio media characterized its effect as placing the Haitian National Police under the control of MINUSTAH, and they again fueled rumors that the SA is part of a larger plan to place Haiti under UN trusteeship. The Prime Minister admitted publicly on March 3 that he did not fully understand the implications of what he had signed. Minister Dorleans on March 4 released

a letter to the PM claiming that parts of the SA were unconstitutional and expressing his displeasure over lack of consultation and coordination during negotiations.

¶3. (C) President Alexandre convoked a meeting on 5 March at the palace with the Prime Minister, MOJ Dorleans, HNP DG Andresol, and other concerned members of the government. During the meeting, the President reportedly asked the Minister of Foreign Affairs to communicate to the UNSG the GOH's desire to renegotiate the agreement immediately. Secretary of State for Public Security David Basile, who

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attended the palace meeting, subsequently speculated to poloff that the President appeared ready to relieve Latortue of his duties over this incident. Basile said that he had never seen MOJ Dorleans in such an angry state and felt that Dorleans would resign in protest. The Charge, SRSG Valdes, and Core Group Ambassadors are prepared to intervene with senior IGOH officials to ensure that this incident does not threaten the stability of the IOH or the completion of elections and the successful transfer of power.

Why We Fight

¶4. (C) Minister Dorleans's objections, subsequently seized on by a local media always keen to ply to nationalist sensitivities, center on what could be perceived as a take-over of the HNP by MINUSTAH. Article 3.3, for example, reads in part, "The HNP leadership shall ensure that no HNP deployment or operations are undertaken without prior consultation and coordination with MINUSTAH..." Other articles, including 4.2 b, stress a top-down approach to co-ordination rather than an integrated approach to

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HNP-MINUSTAH cooperation.

UNDPKO on the Scene

¶5. (C) Visiting UNDPKO representatives Andrea Gentile and Richard Warren on March 5 met with polcouns and poloff to discuss USG bilateral HNP assistance and the mounting controversy over the SA. Gentile stated that the primary purpose of their trip was to improve UNPOL performance and begin to formulate a reform plan for the HNP that was to follow-on from the SA, but that they were now forced to carry out damage-control with DG Andresol and IGOH officials. Gentile tactfully suggested that Muir was at the root of the problem and that he had inappropriately used the draft in January to try to force greater cooperation out of Andresol. He added that DPKO officials had otherwise found Muir's performance lacking and that DPKO would have already relieved Muir if another officer were available to replace him. Regarding UNPOL performance overall, Gentile said that UNPOL's Formed Police Units (FPUs) were poorly utilized and that DPKO aimed to develop better use of the FPUs within a newly developed HNP reform plan.

¶6. (C) Polcouns replied that whatever Muir's shortcomings, the SA failed to take into account national sensitivities and sovereignty issues, and in any case was a poor tool in fostering HNP reform because it stressed a one-sided imposition of UNPOL control over the HNP, instead of establishing a mutual understanding of how UNPOL-HNP cooperation would proceed. Poloffs suggested that the visitors concentrate on laying the groundwork for a more practical agreement for the Preval government to consider and to stress to their Haitian interlocutors that they should "leave aside" the SA as they moved forward UNPOL cooperation and HNP reform. Gentile and Warren confirmed that this would be their strategy, and that MINUSTAH officials had given them the same advice. Warren later confirmed to polcouns that

they had successfully convinced senior HNP officials (not including Andresol) in subsequent meetings that they were here to undo the damage caused by the SA and proceed with mutual cooperation on reform.

USG Objections

17. (C) Polcouns and Poloff on March 6 formally met with Gentile, Warren, and Muir to present the Embassy's views on the SA. Poloffs raised objection to article 2.3, which essentially requires MINUSTAH to approve all bilateral cooperation with the HNP. Poloffs suggested that the U.S. was willing to consult with MINUSTAH on matters related to HNP assistance, but could not accept MINUSTAH authority over our bilateral cooperation. Gentile and the others assured poloffs that MINUSTAH did not intend to interfere with our assistance program, and that they would take our views into account. They were to shortly meet with Canadian officials, and expected to receive the same objection.

Comment

18. (C) Despite UNDPKO's ham-fisted approach to the SA and the subsequent political controversy, we see positive developments emerging from UNDPKO's focus on UNPOL and HNP reform, even as we note that this effort comes late in the day, after nearly two years of MINUSTAH presence in Haiti. Gentile and Warren exhibit a clear understanding of Haitian sensitivities and the steps needed to move beyond the SA and implement real improvements in HNP/UNPOL cooperation and performance. On the Haitian side, Andresol himself has proved himself committed to radical overhaul and reform of the HNP, and we have no reason to believe he will not continue to fully support critical aspects of international oversight, especially vetting and certification of HNP officers. Minister Dorleans approved on March 8 the

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rendition to the United States of another suspected drug trafficker, the latest in a string of renditions that have proceeded on the basis of a personal commitment between the minister and the Embassy. End Comment.
GRIFFITHS